

**CITY OF ISSAQUAH
DEVELOPMENT SERVICE DEPARTMENT**

STAFF REPORT – 22 January 2016

- File No.:** PP14-00002
- Project:** Issaquah Highlands, Westridge South Steep Slope Hazard Critical Area Study
- Applicant:** Mr. Richard Rawlings
Polygon NW Company
11624 SE 5th Street
Bellevue, WA 98005
- Request:** To approve the Steep Slope Hazard Critical Area Study in order to define a created steep slope within the proposed project site and reduce steep slope critical area buffer impacting the project site, known as the Issaquah Highlands Westridge South. The proposed steep slope buffer reduction is from 50 feet to 10 feet as measured from the top of slope.
- Location:** Westridge South is located southerly of Discovery Drive NW, easterly of 5th Place S.E. extension, westerly of 7th Ave S.E. extension and northerly of Issaquah Highlands project boundary – see Vicinity Map Exhibit 1.
- Decision:** The DSD approves the Critical Area study subject to Conditions noted below. Approval with Conditions of this application is based on the application information submitted for the following:
- Critical Area Study Westridge South (PP14-00002) prepared by Earth Solutions NW LLC dated 8/4/15 Revised 10/2/15.
 - Preliminary Plat documents prepared by CORE dated 5/29/14.

The Responsible Official for the Issaquah Highlands development hereby makes the following Findings of Fact based upon information provided in the application submittal as well as that provided to the City by qualified professionals and interested parties; and, Conclusions of Law based upon the Issaquah Highlands Development Agreement (2-Party Development Agreement) and other Municipal policies, plans, rules and regulations.

FINDINGS OF FACT:

1. This request has been reviewed against the development requirements in City Code as well as those in the 2-Party Development Agreement for Issaquah Highlands.
2. This Notice of Decision is based on geological information provided by the applicant.
3. The proposed grading activity will modify the steep slopes at the top of the slope inside the development, refer to the grading and sections figure – Exhibit 2.
4. The remaining critical area (steep slope and buffer) shall be protected and placed in a critical areas tract or conservation easement per the provisions of Appendix E and Appendix H.

5. The "Issaquah Highlands 2-Party Development Agreement" Appendix E, Section 24.0 *Steep Slope Hazard Areas – Protection Mechanisms and Permitted Alterations* of the Two Party Agreement provides for alteration or elimination of steep slopes through approved grading activities if the "slope stability is maintained or enhanced". Furthermore the Development Agreement provides for alteration of steep slopes through approved grading activities if the "slope stability is maintained or enhanced" and a reduction of the buffer may be approved such that it "will not reduce the level of protection to the proposed development" and "in no case shall an occupied building be no closer than 25 feet (including buffer) to the toe of a steep slope (or altered steep slope..)".
6. Previous grading activities which removed all vegetation from the slope. Issaquah Municipal Code 16.26.050.E.5 call for the provision of a Restoration Plan and Appendix E, Section 24.0 Subsection E - *Removal or Introduction of Vegetation on Landslide or Steep Slopes* states that "unless otherwise specified the" restrictions of the Subsection "apply to vegetation removal or introduction in steep slope hazard areas, landslide hazard areas and their buffers....On the slopes which have been disturbed by human activity....replacement with native species or other appropriate vegetation may be required subject to approval by the Responsible Official of an enhancement plan
7. This Critical Area Study has been reviewed by RH2 Engineering, AMEC Foster Wheeler, and Golder Associates.
8. Approval of this request will not increase the number of Equivalent Residential Units (ERUs) allowed within the project envelope.
9. This is a non-project action; additional City approvals will be required prior to commencement of construction activities in this area.

CONCLUSIONS OF LAW:

Staff has concluded that the Critical Areas Study for the Westridge South Steep Slope Hazard may be approved with conditions. This decision is based upon the information contained in the submitted study and the recommendations provided to the DSD by qualified professionals and other interested parties. The determination is supported by the goals found in the Development Agreement for the development of the project as well as the City of Issaquah Comprehensive Plan. These goals are listed below:

The environmental features identified as critical areas which require regulation by the City are: coal mine hazard areas, streams, wetlands, steep slopes, protective buffers, as well as areas subject to erosion, flooding, landslides, and seismic activity.

It is the intent of the City to balance the community vision which includes: environmental protection and preservation; diversified economic growth which has been planned; and, overall improvement of the quality of life for the residents in Issaquah.

The Critical Areas Development Standards accomplish the purpose of protecting environmentally critical areas in the Issaquah Highlands Project. By regulating development and alterations to critical areas, the Standards seek to:

- Protect members of the public and public resources and facilities from injury, loss of life, property damage or financial losses due to flooding, erosion, landslides and seismic events, soil subsidence and steep slope failures;
- Protect unique, fragile and valuable elements of the environmental including wildlife and its habitat;
- Mitigate unavoidable impacts to environmentally critical areas by regulating alterations in critical areas;
- Provide City officials with sufficient information to protect critical areas; and
- Implement the policies of the State Environmental Policy Act, Chapter 43.21C RCW, Issaquah Municipal Code, City of Issaquah Comprehensive Plan (ICP) and Issaquah Highlands Development Agreement.

Implement the critical area regulations by focusing future growth in the following: (1.1.9)

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- 1.1.9.1 areas with no or minimal environmentally critical areas;
- 1.1.9.2 vacant platted lots in areas with existing public facilities;
- 1.1.9.3 areas where infill and redevelopment can occur with less environmental impacts due to the degree of existing development

Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner (ICP 1.2).

Provide innovative solutions to development conflicts between the natural & built environment (ICP EV-3.1.3)

CONDITIONS:

The Responsible Official for this proposal has determined that this action falls under the provisions of the Issaquah Highlands EIS and it does not have a probable, significant adverse impact on the environment, and that it is consistent with the intent of the Development Agreement and other applicable City codes, only if the following conditions are met.

1. The top of the slope shall be defined as the point at which the slope remains equal to or in excess of forty (40) percent). A 10-foot buffer from the top of slope and a 15-foot BSBL shall apply.
2. The 10-foot buffer disturbed during construction shall be replanted with native vegetation prior to issuing building permits for homes adjacent to the subject buffer. Critical area signage shall be placed along the buffer with signs and spacing approved by the City. The landscape plan must be reviewed and approved by the Responsible Official prior to plant installation.
3. The Steep Slope/Buffer shall be protected and placed in a critical areas tract or conservation easement.
4. The following shall be completed prior to the issuance of a building permit for structures within the altered steep slopes along the perimeter or within 50 feet of the steep slope:
 - a. The applicant shall establish a mechanism that is acceptable to the Responsible Official which notifies the all future buyers of the lot that the steep slope buffer was reduced and the development has occurred within 50 feet of the steep slope or the steep slope has been eliminated (e.g. notice on title).
 - b. The applicant shall execute an agreement on a form approved by the City Attorney, which indemnifies and holds the City harmless for development within 50 feet of the steep slope or where the steep slope has been eliminated.

This Decision is issued as permitted through Appendix "E" - Critical Area Regulations of the Development Agreement for Issaquah Highlands. This decision was made after the review of a completed Critical Areas Study and other information on file with the City. This information is available to the public upon request. Any person aggrieved of the City's determination may file an appeal to the City's Hearing Examiner within 14 days following issuance of this decision. Appeal procedures are provided in the Issaquah Municipal Code.

RESPONSIBLE OFFICIAL:
POSITION/TITLE:

Doug Schlepp, P.E.
DSD Project Manager

1/22/16
DATE ISSUED:
Attachments


SIGNATURE:

Exhibit 1 - Site Location Map
Exhibit 2 -Critical Areas Exhibit

Cc: Mike Martin, DSD
Dan Ervin, DSD

Richard Rawlings, Polygon NW
File